

Application Number 	Application/Control No. 09/768,843	Applicant(s)/Patent under Reexamination HORN ET AL.
Document Code - DISQ	Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : September 1, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

AUG 26 2005
U.S. PATENT & TRADEMARK OFFICE

**TERMINAL DISCLAIMER TO OBVIAE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)
019186-002910US

In re Application of: HORN et al.

Application No.: 09/768,843

Filed: January 23, 2001

For: METHODS AND APPARATUS FOR SCHEDULING, SERVING, RECEIVING MEDIA-ON-DEMAND FOR CLIENTS,
SERVERS ARRANGED ACCORDING TO CONSTRAINTS ON RESOURCES

The owner, DIGITAL FOUNTAIN, INC., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/792,364, filed on February 22, 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record, Reg. No. _____

Signature

August 22, 2005
Date

C. Bart Sullivan
Typed or printed name

415-576-0200
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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